

## ***9 Official Opinions of the Compliance Board 230 (2015)***

- ◆ **1(A)(3) “PUBLIC BODY”: DEFINITION MET NEITHER BY INDIVIDUAL MEMBER NOR BY EMPLOYEE**
- ◆ **2(E)(2) NOTICE: POSTING 6-10 DAYS IN ADVANCE PERMISSIBLE, ABSENT EVIDENCE OF INTENTIONAL DELAY**
- ◆ **6(B)(2) MINUTES: ADOPTION WITHIN 18 DAYS OF MEETING NOT UNTIMELY**

\*Topic numbers and headings correspond to those in the Opinions Index (2014 edition) at [http://www.oag.state.md.us/Opengov/Openmeetings/OMCB\\_Topical\\_Index.pdf](http://www.oag.state.md.us/Opengov/Openmeetings/OMCB_Topical_Index.pdf)

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April 9, 2015

Re: Morgan State University  
*Eric White, Complainant*

Eric White, Complainant, contends that the President of Morgan State University and the Chairman of its Board of Regents violated the Open Meetings Act. He states that they have “continued to be unreasonably slow in the completion and posting and approving the November 2014 meeting minutes and the posting of board meeting notices of several 2015 open public board session and board committee meetings over the last quarter of 2014.” Attached to his complaint are board and committee meeting schedules for “2014-15.” The complaint does not specify why Complainant believed the notices and minutes to be untimely.

As explained in our complaint procedures,<sup>1</sup> we have authority to address complaints that a public body has violated the Act. The Board of Regents is a “public body” subject to the Act. Neither the University president, who is not a board member, nor the board’s chairman, by himself, is a “public body,”<sup>2</sup> so we dismissed the complaint as to them. We construed the

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<sup>1</sup> Our procedures are posted at <http://www.oag.state.md.us/Opengov/Openmeetings/complaint.htm>.

<sup>2</sup> To be a “public body,” there must be an “entity” that consists of “at least two individuals.” General Provisions Article, § 3-101(h).

complaint to relate to the practices of the Board of Regents and sent it to that public body for its response.

The response specifies the dates on which notices were posted for board and committee meetings and the date on which the November 2014 meeting minutes were adopted. With respect to the meeting notices, we find that the Board of Regents posted them in a timely way and did not violate the Act. Had Complainant stated a specific concern that led him to submit this complaint, or even identified the particular notices that he viewed as late, we could address his concern. Possibly, the fact that the board and its committees post most of their meetings months in advance has caused Complainant to believe that a notice given six to ten days in advance, as was the case with several meetings, violated the Act. The Act does not prevent a public body from calling a meeting to conduct business that needs to be addressed before its next regular meeting, and we find that the committees gave notice reasonably in advance of these meetings.

That leaves the allegation that the board violated the Act by being “unreasonably slow” in adopting and posting minutes of its November meeting. The Act does not require public bodies to post minutes online, so the board did not violate the Act in any way with respect to its provision of online access to those materials. According to the response, the board met on November 3, 2014, and approved its minutes on November 21. That turnaround time is no cause for complaint.

In sum, we have not found any violations by the Board of Regents and its committees. We have dismissed the allegations against the chairman and president.

Open Meetings Compliance Board

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